

# **Exhibit 58**



Document title: MetaBirkins (@metabirkins) • Instagram photos and videos

Capture URL: <https://www.instagram.com/metabirkins/>

Page loaded at (UTC): Mon, 27 Feb 2023 20:24:40 GMT

Capture timestamp (UTC): Mon, 27 Feb 2023 20:26:05 GMT

Capture tool: 10.20.11

Collection server IP: 54.157.181.49

Browser engine: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/108.0.5359.215 Safari/537.36

Operating system: Windows\_NT (Node 16.17.1)

PDF length: 5

Capture ID: a5K9uuBkhiuWHUpNmYjY1f

User: baker-nsamad



41 posts

18.1K followers

1 following

MetaBirkins

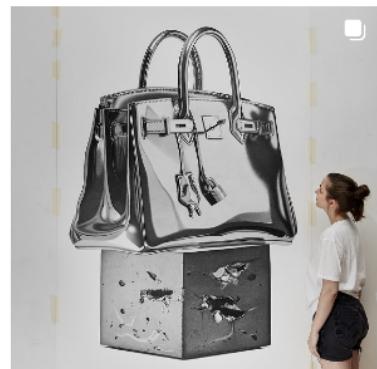
Digital creator

A digital art project by @masonrothschild living on the Ethereum blockchain. Feat. @voguebusiness, @forbes, @bof, @elleusa, @hypebeast, @highsnobiety. [looksrare.org/collections/0x566b73997F96c1076f7cF9e2C4576Bd08b1A3750](https://looksrare.org/collections/0x566b73997F96c1076f7cF9e2C4576Bd08b1A3750)

- Home
- Search
- Explore
- Reels
- Messages
- Notifications
- Create
- Profile

POSTS

TAGGED



Dear Community,

So, Hermès filed a trademark lawsuit against me on Friday—although they didn't send me or my lawyers a copy. My lawyers and I have reviewed Hermès' complaint. Hermès' claims are groundless and we look forward to defeating those claims in court and helping to set a precedent.

I am not creating or selling fake Birkin bags. I've made art works that depict imaginary, fur-covered Birkin bags.

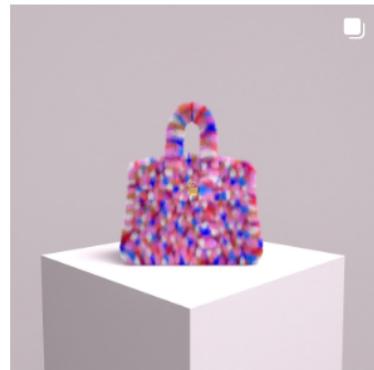
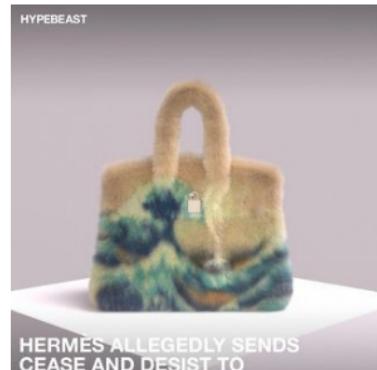
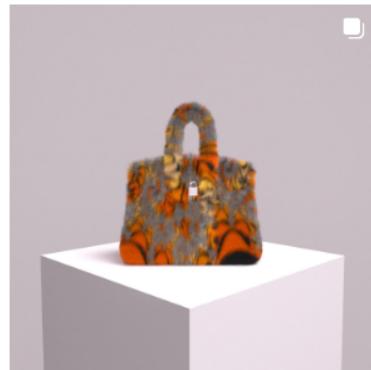
My lawyers at Lex Lumenia PLLC put it well when they said that the First Amendment gives me the right to make and sell art that depicts Birkin bags, just as it gave Andy Warhol the right to make and sell art depicting Campbell's soup cans.

I have the right also to use the term "MetaBirkins" to describe truthfully what that art depicts, and to comment artistically on those bags and on the Birkin brand.

The fact that I sell the art using NFTs doesn't change the fact that it's art. It's quite clear from reading Hermès' complaint that they don't understand what an NFT is, or what NFTs do.

We have tried to be reasonable. Hermès first sent me a letter threatening a lawsuit if I didn't knockle under and stop doing MetaBirkins altogether. We wrote to them and explained that we were doing nothing we didn't have a right to do. We told them that we believed the dispute could be resolved through an informal conversation between me and an Hermès representative. Hermès chose instead to break off negotiations and sue me.

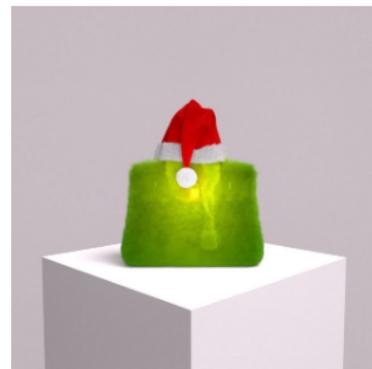
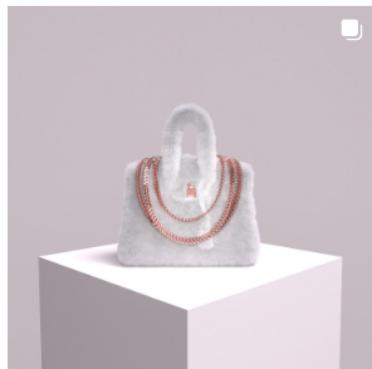
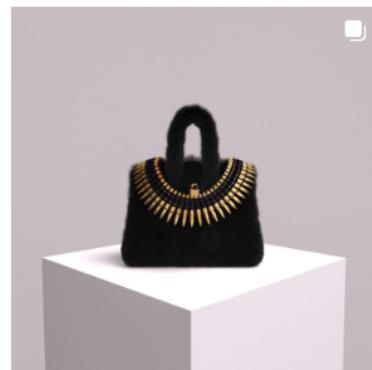
I hope Hermès understands that I won't be intimidated.



More

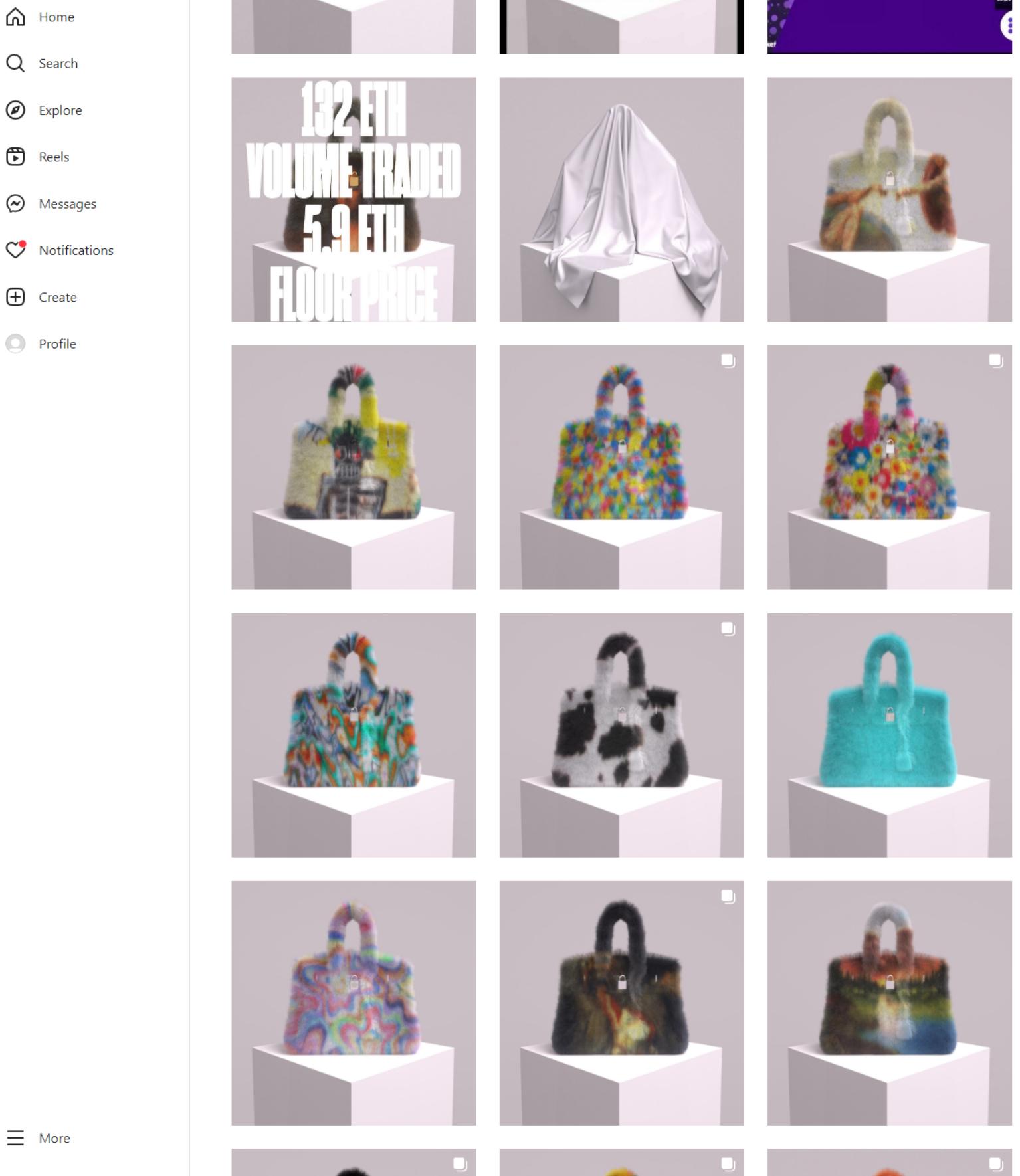
## Instagram

- Home
- Search
- Explore
- Reels
- Messages
- Notifications
- Create
- Profile



More

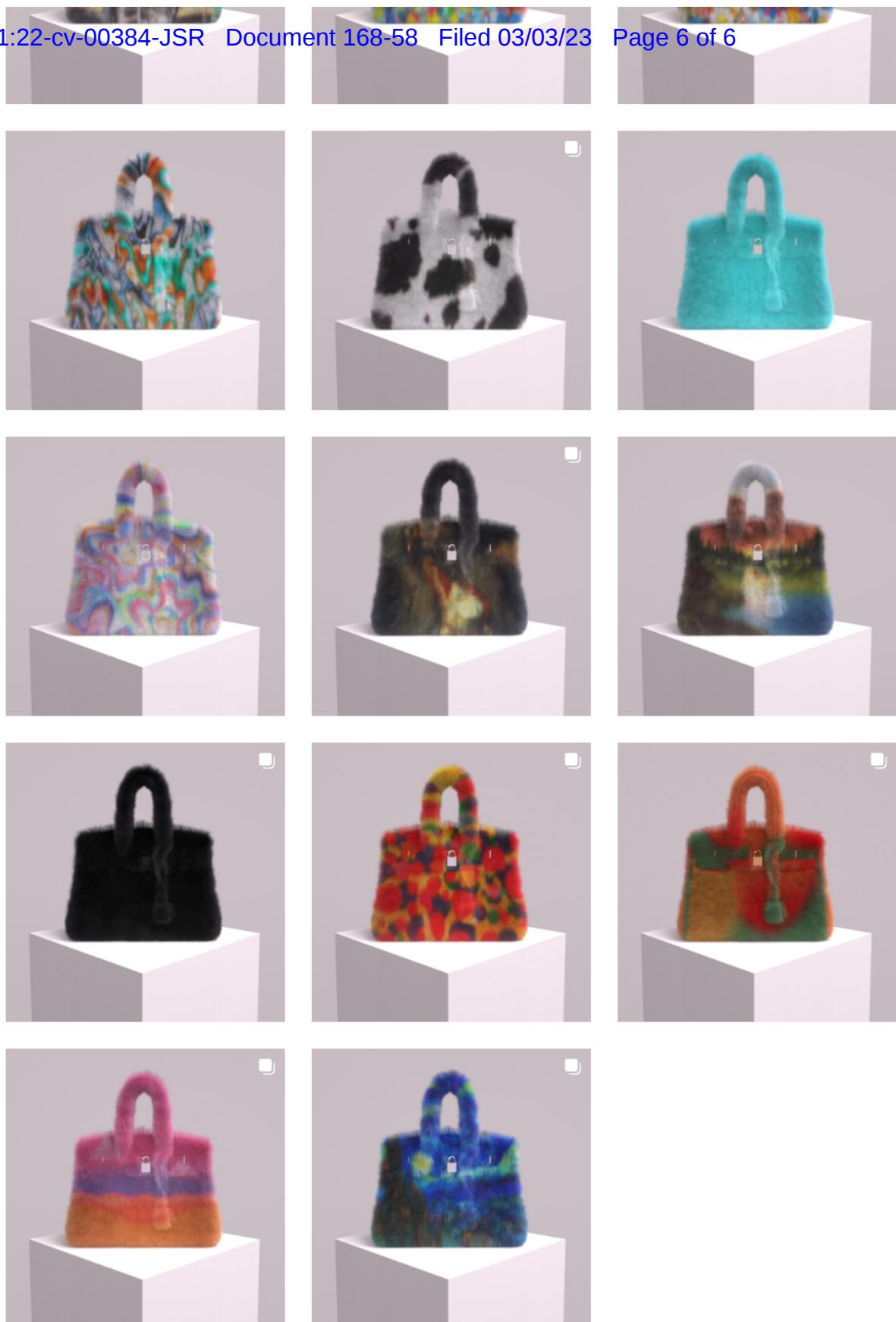
Instagram



More

Instagram

- Home
- Search
- Explore
- Reels
- Messages
- Notifications
- Create
- Profile

[Meta](#) [About](#) [Blog](#) [Jobs](#) [Help](#) [API](#) [Privacy](#) [Terms](#) [Top Accounts](#) [Locations](#) [Instagram Lite](#) [Contact](#) [Uploading & Non-Users](#) [Meta Verified](#)

English ▾ © 2023 Instagram from Meta

More